

Applicant : Eric N. Prystowsky, M.D., et al.  
Serial No. : 10/760,122  
Filed : January 16, 2004  
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Attorney's Docket No.: 16491-025001

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### REMARKS

Claims 1-46 are pending in this application, with claims 1, 11, 21, 24, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 45 being independent. Claims 9 and 23 have been cancelled by this amendment without prejudice. Claims 1, 21 and 39 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are requested.

Claim 40 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-8, 10, 21, 22, 39 and 40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bock (U.S. 6,937,887). These contentions are respectfully traversed.

Claims 9 and 23 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In order to expedite prosecution, this allowable subject matter has been incorporated into independent claims 1, 21 and 39.

Independent claim 1 has been amended to recite the allowable subject matter of claim 9, which has been cancelled without prejudice. Independent claim 21 has been amended to recite the allowable subject matter of claim 23, which has been cancelled without prejudice. Independent claim 39 has also been amended to recite this allowable subject matter, and this amendment of claim 39 has obviated the rejection of claim 40 under 35 U.S.C. § 112.

In view of these amendments, all of claims 1-8, 10, 21, 22, 39 and 40 should be in condition for allowance. Claims 11-20, 24-38 and 41-46 have been allowed.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and


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therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply the one month extension of time fee, and any other necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 8, 2006  
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